



September 20, 2018

**VIA ECFS**

Ms. Marlene H. Dortch  
Secretary, Federal Communications Commission  
455 12th Street SW  
Washington, DC 20554

Re: Notice of Ex Parte, *Implementation of Section 621(a)(1) of the Cable Communications Policy Act of 1984 as amended by the Cable Television Consumer Protection and Competition Act of 1992*, MB Docket No. 05-311

Dear Ms. Dortch,

On September 18, 2018, Rick Chessen and Neal Goldberg of NCTA – The Internet & Television Association and the undersigned, on behalf of NCTA, had separate telephone conversations with (1) Alison Nemeth, Media Advisor to Chairman Pai; (2) Erin McGrath, Legal Advisor to Commissioner O’Rielly; and (3) Michelle Carey, Holly Saurer, Martha Heller, Kathy Berthot and Brendan Murray of the Media Bureau. Also on September 18, Neal Goldberg and I had a conversation with Kate Black, Policy Advisor, Media to Commissioner Rosenworcel.

We discussed the remand issues arising out of the 6th Circuit Court Decision, *Montgomery County, Maryland v. FCC, et al.* and the draft Notice of Proposed Rulemaking (NPRM) addressing these issues. We explained that franchising authorities continue to seek to regulate both non-cable services offered over franchised cable systems and the facilities and equipment used to offer those services. We noted that the statute preempts both of these actions, suggested that the NPRM should consistently refer to both actions in its discussion of preemption, and stated that Section 624(e) of the Act is an additional source of authority for these conclusions. We also discussed that franchising authorities at both the state and local levels seek fees that exceed five percent of gross cable revenues, as well as substantial in-kind contributions. We asked that the NPRM seek further comment on the applicability of the proposed rules to state as well as local franchising authorities.

This letter is being filed electronically pursuant to section 1.1206 of the Commission’s rules.

Respectfully submitted,

/s/

Tara M. Corvo

cc: Alison Nemeth  
Kate Black  
Erin McGrath  
Michelle Carey  
Holly Saurer  
Martha Heller  
Kathy Berthot  
Brendan Murray